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RUEHQT/AMEMBASSY QUITO 5717
RUEHGL/AMCONSUL GUAYAQUIL 3972
RUEATRS/DEPT OF TREASURY WASHDC
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RUEAWJA/DEPT OF JUSTICE WASHDC
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C O N F I D E N T I A L BOGOTA 003879

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TAGS: [KJUS](#) [MARR](#) [PGOV](#) [PHUM](#) [PINR](#) [PREL](#) [PTER](#) [CO](#)
SUBJECT: FARC PRISONER RELEASE EXPECTED

REF: BOGOTA 3394

Classified By: Political Counselor John S. Creamer.
Reasons: 1.4 (b) and (d)

Summary

¶1. (C) The Presidency's Legal Advisor Mauricio Gonzalez told polcouns May 26 the GOC was preparing a decree to regulate the transfer and release of a significant number of FARC prisoners. Gonzalez linked the initiative to President Uribe's conversation with newly-elected French President Nicholas Sarkozy; Senator German Vargas Lleras told Charge on May 30 that Uribe's insistence on transferring the FARC prisoners before June 7 was tied to Sarkozy's promise to seek support for Colombia at the June 4-7 G-8 meeting in Germany. Deputy High Commissioner for Reintegration Maria Eugenia Pinto said May 31 the GOC would begin to transfer the prisoners June 1. End summary.

FARC Prisoner Release Legal Framework

¶2. (C) Casa de Narino Legal Advisor Mauricio Gonzalez told polcouns May 26 the GOC was preparing a decree implementing President Uribe's proposal to release a significant number of FARC prisoners (reftel). He said the process would involve: (1) defining imprisoned FARC members as a group interested in demobilizing; (2) reviewing the conduct that led to their arrest and conviction to determine if a prisoner belonged to the FARC, with Peace Commissioner Luis Carlos Restepo certifying an individual as eligible; and (3) an act of demobilization that would include a free and spontaneous renunciation under oath of FARC membership. The oath of renunciation would be accompanied by a commitment not to return to the FARC or other criminal activity, participation in a reinsertion program, and agreement to monitoring by the Catholic Church or the Human Rights Ombudsman.

¶3. (C) Gonzalez said all released FARC would initially be held in a La Ceja-type detention facility administered by INPEC. Those FARC who were in jail only for membership in

the group could be pardoned fairly quickly under law 782 and then released under the conditions outlined above. He said FARC in jail for serious human rights abuses would have to apply for relief under the Justice and Peace Law. The GOC could also name some of the FARC guilty of human rights crimes as negotiators (representative members of the group), thereby giving them the same status as ELN negotiators Francisco Galan and Juan Carlos Cuellar. This would enable the GOC to authorize their travel out of the country and to enjoy access to cell phones, computers, etc.

¶4. (C) Deputy High Commissioner for Reintegration Maria Eugenia Pinto said May 31 that 1,100 FARC prisoners had asked to participate in President Uribe's proposal. She said those selected would be transferred June 1 to a penal institution in Chiquinquirá, Boyacá department, and then within a few days moved again to a "temporary location zone," in Chicorral, Tolima department. On May 30, Justice and Interior Minister Carlos Holguin said he expected up to 300 FARC prisoners to participate.

Uribe Wants to Show Commitment to Hostages

¶5. (C) Gonzalez told polcouns Uribe knows the FARC wants a demilitarized zone or "despeje" and not a humanitarian accord. Gonzalez noted Uribe will never accept a despeje, so the FARC prisoner release is a way to show the GOC is committed to an exchange and the FARC is not. Security force commanders told Uribe the release of 300-400 FARC prisoners would not change the overall security situation. Moreover, the release of FARC prisoners would encourage FARC personnel who want to desert from the group to do so and it would also weaken the authority of the FARC secretariat.

¶6. (C) Gonzalez said Uribe's initiative was linked to a recent phone call between Uribe and newly-elected French President Nicholas Sarkozy. Uribe had been surprised by Sarkozy's commitment to obtaining the release of Ingrid Betancourt by the FARC. Leading governing coalition figure Senator German Vargas Lleras told Charge on May 30 that Uribe's insistence on transferring the FARC prisoners before June 7 was tied to Sarkozy's promise to seek support for Colombia at the June 4-7 G-8 meeting in Germany.
Drucker